

Senate Amendment 3216

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1 1 Amend Senate File 472 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 327F.13 CLOSE=CLEARANCE
1 5 WARNING DEVICES.
1 6 1. The owner of a railroad track shall place a
1 7 warning device at a location where the close clearance
1 8 between the track and a building, machinery, trees,
1 9 brush, or other object is such that the building,
1 10 machinery, trees, brush, or other object physically
1 11 impedes a person who is lawfully riding the side of a
1 12 train in the course of the person's duties in service
1 13 to a railroad company from clearing the building,
1 14 machinery, trees, brush, or other object.
1 15 2. The warning device shall be placed in a
1 16 location which provides adequate notice to a person
1 17 riding the side of a train so that the person may
1 18 prepare for the close clearance. Any signs posted
1 19 shall not be a danger to other persons working on the
1 20 property.
1 21 3. Placement of a warning device pursuant to this
1 22 section does not relieve the owner of a railroad track
1 23 from any duties required under chapter 317 or section
1 24 327F.27.
1 25 4. A violation of this section is punishable as a
1 26 schedule "one" penalty under section 327C.5.
1 27 5. This section does not apply to a railroad that
1 28 operates locomotives powered by overhead or suspended
1 29 electric power lines.
1 30 6. The department of transportation shall adopt
1 31 rules to implement this section. Notwithstanding any
1 32 other provision, the department of transportation
1 33 shall be allowed to enter any property on which
1 34 railroad track is located for the purpose of
1 35 administering and enforcing this section. Entry upon
1 36 any private property shall be with knowledge and
1 37 notice to the property owner.>
1 38 #2. Title page, by striking lines 1 and 2 and
1 39 inserting the following: <An Act requiring the
1 40 posting of close=clearance warning devices along
1 41 railroad tracks and providing a penalty.>
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1 44 _____
1 45 DICK L. DEARDEN
1 46 SF 472.501 82
1 47 dea/je/8668
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